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FILED
2010 APR 14 PM 3:20
CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

SERGE LAPOINTE, an individual,

Plaintiff,

vs.

COUNTY OF LOS ANGELES and
DOES 1-10, inclusive,

Defendants.

Case No. **CV10-02728** ODW (RZ)

COMPLAINT FOR DAMAGES

1. Unreasonable Search and Seizure and Due Process—Excessive Force and Denial of Medical Care (42 U.S.C. § 1983)
2. Violation the Fourteenth Amendment of the United States Constitution—Equal Protection (42 U.S.C. § 1983).
3. Municipal Liability for Unconstitutional Custom, Practice, or Policy (42 U.S.C. § 1983)
4. Battery
5. Negligence
6. Intentional Infliction of Emotional Distress

DEMAND FOR JURY TRIAL

1 Fourteenth Amendments of the United States Constitution. Jurisdiction is founded
2 on 28 U.S.C. §§ 1331, 1343, and 1367.

3 12. Venue is proper in this Court under 28 U.S.C. § 1391(b), because
4 Defendants reside in, and all incidents, events, and occurrences giving rise to this
5 action occurred in, the County of Los Angeles, California.

6
7 **FACTS COMMON TO ALL CLAIMS FOR RELIEF**

8 13. PLAINTIFF repeats and realleges each and every allegation in
9 paragraphs 1 through 12 of this Complaint with the same force and effect as if fully
10 set forth herein.

11 14. On or about February 16, 2009, PLAINTIFF, who was in custody at
12 Twin Towers Correctional Facility, was beaten without legal justification by DOE
13 OFFICERS and/or CUSTODY SPECIALISTS, and/or CUSTODY ASSISTANTS.

14 15. Prior to being beaten, one of the DOE OFFICERS and/or CUSTODY
15 SPECIALISTS, and/or CUSTODY ASSISTANTS said to PLAINTIFF, "I hate
16 French people."

17 16. DOE OFFICERS and/or CUSTODY SPECIALISTS, and/or
18 CUSTODY ASSISTANTS then took PLAINTIFF to a dark room and violently
19 assaulted him with no legal justification.

20 17. DOE OFFICERS and/or CUSTODY SPECIALISTS, and/or
21 CUSTODY ASSISTANTS threw PLAINTIFF into a dark room, beat him on top of
22 his head and in his ribs with their fists and with flashlights, picked him up and
23 dropped him repeatedly to the floor, broke his glasses and threw them out of his
24 reach, slapped him in his ears with the flip flops issued to him by the facility, and
25 then threw him into a holding cell.

26 18. PLAINTIFF was handcuffed at the time of the assault.
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1 19. PLAINTIFF experienced severe pain and suffering, fractured ribs, and
2 bruising all over his body as a result of this assault. PLAINTIFF also suffered
3 humiliation, fear and degradation.

4 20. On information and belief, at the time of the assault, a reasonable
5 officer in the position of DOE OFFICERS and/or CUSTODY SPECIALISTS,
6 and/or CUSTODY ASSISTANTS would not believe that PLAINTIFF posed an
7 imminent threat to anyone's safety or that he was attempting to flee.

8 21. On information and belief, DOE OFFICERS and/or CUSTODY
9 SPECIALISTS, and/or CUSTODY ASSISTANTS, although having actual and
10 constructive notice and knowledge of PLAINTIFF's serious medical conditions,
11 disregarded his medical needs. As a direct result of Defendants' failure to obtain
12 appropriate medical care for PLAINTIFF, PLAINTIFF experienced severe pain and
13 suffering.

14 22. On information and belief, DOE OFFICERS and/or CUSTODY
15 SPECIALISTS, and/or CUSTODY ASSISTANTS intentionally concealed or
16 tampered with evidence, and intimidated witnesses, to cover-up the unreasonable
17 use of force against PLAINTIFF.

FIRST CLAIM FOR RELIEF

**Unreasonable Search and Seizure and Due Process—Excessive Force and
Denial of Medical Care (42 U.S.C. § 1983)**

(Against Defendants DOE OFFICERS and/or CUSTODY SPECIALISTS, and/or
CUSTODY ASSISTANTS)

23. PLAINTIFF repeats and realleges each and every allegation in paragraphs 1 through 22 of this Complaint with the same force and effect as if fully set forth herein.

24. DOE OFFICERS and/or CUSTODY SPECIALISTS, and/or CUSTODY ASSISTANTS's unreasonable use of force against PLAINTIFF deprived him of his right to be secure in his person against unreasonable searches and seizures as guaranteed to the PLAINTIFF under the Fourth Amendment to the United States Constitution and applied to state actors by the Fourteenth Amendment, and further deprived PLAINTIFF of due process as guaranteed to the him under the Fourteenth Amendment to the United States Constitution.

25. Defendants DOE OFFICERS and/or CUSTODY SPECIALISTS, and/or CUSTODY ASSISTANTS knew that failure to treat PLAINTIFF's medical condition could result in further significant injury or the unnecessary and wanton infliction of pain, but disregarded that serious medical need, causing him great bodily harm.

26. Defendants' actions thus deprived PLAINTIFF of his right to be free from unreasonable seizures under the Fourth Amendment and applied to state actors by the Fourteenth Amendment.

27. The conduct of DOE OFFICERS and/or CUSTODY SPECIALISTS, and/or CUSTODY ASSISTANTS was malicious, oppressive and in reckless disregard for the rights and safety of PLAINTIFF, and therefore warrants the imposition of exemplary and punitive damages as to Defendants DOE OFFICERS and/or CUSTODY SPECIALISTS, and/or CUSTODY ASSISTANTS.

SECOND CLAIM FOR RELIEF

**Violation of 42 U.S.C. § 1983 for Violation of the Fourteenth Amendment of
United States Constitution—Equal Protection**

**(Against Defendants DOE OFFICERS and/or CUSTODY SPECIALISTS, and/or
CUSTODY ASSISTANTS)**

28. PLAINTIFF hereby incorporates by reference paragraphs 1 through 27 herein, as if set forth in full.

29. Defendant DOE OFFICERS and/or CUSTODY SPECIALISTS, and/or CUSTODY ASSISTANTS's actions were motivated by ethnic or national origin animus and discrimination and this also violated PLAINTIFF's rights under the Equal Protection Clause of the Fourteenth Amendment to the United States.

30. Defendant DOE OFFICERS and/or CUSTODY SPECIALISTS, and/or CUSTODY ASSISTANTS's actions were committed with deliberate indifference to PLAINTIFF's constitutional rights and were a direct and legal cause of the deprivation of PLAINTIFF's constitutionally protected right under the Fourteenth Amendment to be free from discrimination on the basis of ethnicity or national origin.

31. PLAINTIFF is informed and believes and thereon alleges that these acts of Defendant DOE OFFICERS and/or CUSTODY SPECIALISTS, and/or CUSTODY ASSISTANTS were willful, malicious, intentional, oppressive, reckless and/or were done in willful and conscious disregard of the rights, welfare and safety of PLAINTIFF, thereby justifying the awarding of punitive and exemplary damages in an amount to be determined at time of trial.

32. As a direct and legal result of the acts and omissions of DEFENDANT, PLAINTIFF has suffered great bodily injury, pain and suffering, humiliation, fear and degradation.

THIRD CLAIM FOR RELIEF

Municipal Liability for Unconstitutional Custom or Policy (42 U.S.C. § 1983)

(Against Defendants COUNTY and DOE SUPERVISORS)

33. PLAINTIFF repeats and realleges each and every allegation in paragraphs 1 through 32 of this Complaint with the same force and effect as if fully set forth herein.

34. On and for some time prior to February 16, 2009 (and continuing to the present date) Defendants COUNTY and DOE SUPERVISORS, deprived PLAINTIFF, of the rights and liberties secured to him by the Fourth and Fourteenth Amendments to the United States Constitution, in that said defendants and their supervising and managerial employees, agents, and representatives, acting with gross negligence and with reckless and deliberate indifference to the rights and liberties of the public in general, and of PLAINTIFF, and of persons in their class, situation and comparable position in particular, knowingly maintained, enforced and applied an official recognized COUNTY custom, policy, and practice of:

(a) Employing and retaining as police officers and other personnel, including DOE OFFICERS and/or CUSTODY SPECIALISTS, and/or CUSTODY ASSISTANTS, who Defendants COUNTY and DOE SUPERVISORS at all times material herein knew or reasonably should have known had dangerous propensities for abusing their authority by using excessive force and denying medical care, and for mistreating citizens by failing to follow written COUNTY Sheriff's Department and county detention policies;

(b) Of inadequately supervising, training, controlling, assigning, and disciplining COUNTY Police Officers, and other COUNTY personnel, including DOE OFFICERS and/or CUSTODY SPECIALISTS, and/or CUSTODY ASSISTANTS, who

1 Defendants COUNTY and DOE SUPERVISORS each knew or
2 in the exercise of reasonable care should have known had the
3 aforementioned propensities and character traits;

4 (c) By maintaining grossly inadequate procedures for reporting,
5 supervising, investigating, reviewing, disciplining and
6 controlling the intentional misconduct by Defendants DOE
7 OFFICERS and/or CUSTODY SPECIALISTS, and/or
8 CUSTODY ASSISTANTS, who are COUNTY employees;

9 (d) By failing to adequately train officers, including Defendants
10 DOE OFFICERS and/or CUSTODY SPECIALISTS, and/or
11 CUSTODY ASSISTANTS, and failing to institute appropriate
12 policies, regarding constitutional procedures and practices for
13 use of force; and

14 (d) By having and maintaining an unconstitutional custom and
15 practice of detaining and arresting individuals without probable
16 cause or reasonable suspicion, using excessive force, including
17 deadly force, failing to obtain medical care, depriving persons of
18 life, liberty, and property so as to shock the conscience,
19 conspiring to violate civil rights, and conspiring to cover-up civil
20 rights violations, which is also demonstrated by inadequate
21 training regarding these subjects. The customs and practices of
22 COUNTY and DOE SUPERVISORS were done with a
23 deliberate indifference to individuals' safety and rights.

24 35. By reason of the aforementioned policies and practices of Defendants
25 COUNTY and DOE SUPERVISORS, PLAINTIFF was severely injured and
26 subjected to pain and suffering. PLAINTIFF also suffered humiliation, fear and
27 degradation.
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1 36. Defendants COUNTY and DOE SUPERVISORS, together with
2 various other officials, whether named or unnamed, had either actual or constructive
3 knowledge of the deficient policies, practices and customs alleged in the paragraphs
4 above. Despite having knowledge as stated above these defendants condoned,
5 tolerated and through actions and inactions thereby ratified such policies. Said
6 defendants also acted with deliberate indifference to the foreseeable effects and
7 consequences of these policies with respect to the constitutional rights of
8 PLAINTIFF, and other individuals similarly situated.

9 37. By perpetrating, sanctioning, tolerating and ratifying the outrageous
10 conduct and other wrongful acts, Defendants COUNTY and DOE SUPERVISORS
11 acted with an intentional, reckless, and callous disregard toward PLAINTIFF, and of
12 the constitutional as well as human rights of PLAINTIFF. Defendants COUNTY
13 and DOE SUPERVISORS and each of their actions were willful, wanton,
14 oppressive, malicious, fraudulent, and extremely offensive and unconscionable to
15 any person of normal sensibilities.

16 38. Furthermore, the policies, practices, and customs implemented and
17 maintained and still tolerated by Defendants COUNTY and DOE SUPERVISORS
18 were affirmatively linked to and were a significantly influential force behind the
19 injuries of PLAINTIFF.

20 39. Accordingly, Defendants COUNTY and DOE SUPERVISORS each
21 are liable to Plaintiff for compensatory damages under 42 U.S.C. § 1983.
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FOUTH CLAIM FOR RELIEF

Battery (Cal. Govt. Code § 820 and California Common Law)

(Against DOE OFFICERS and COUNTY)

40. PLAINTIFF repeats and realleges each and every allegation in paragraphs 1 through 39 of this Complaint with the same force and effect as if fully set forth herein.

41. DOE OFFICERS and/or CUSTODY SPECIALISTS, and/or CUSTODY ASSISTANTS, while working as Sherriff's Deputies for the COUNTY Sherriff's Department and employees of Twin Towers Detention Facility, and acting within the course and scope of their duties, intentionally assaulted PLAINTIFF. As a result, PLAINTIFF suffered serious injuries. DOE OFFICERS and/or CUSTODY SPECIALISTS, and/or CUSTODY ASSISTANTS had no legal justification for their actions, and said defendants' use of force against PLAINTIFF while carrying out their duties as deputy sheriffs and as COUNTY employees was an unreasonable use of force.

42. As a direct and proximate result of Defendants' conduct as alleged above, PLAINTIFF was caused to suffer severe pain and suffering. PLAINTIFF also suffered humiliation, fear and degradation.

43. COUNTY is vicariously liable for DOE OFFICERS and/or CUSTODY SPECIALISTS, and/or CUSTODY ASSISTANTS's wrongful acts pursuant to section 815.2 of the California Government Code, which provides that a public entity is liable for the injuries caused by its employees within the scope of the employment if the employee's act would subject him or her to liability.

44. DOE OFFICERS and/or CUSTODY SPECIALISTS, and/or CUSTODY ASSISTANTS's conduct was malicious, wanton, oppressive, and accomplished with a conscious disregard for the rights of PLAINTIFF, entitling Plaintiff to an award of exemplary and punitive damages.

FIFTH CLAIM FOR RELIEF

Negligence (Cal. Govt. Code § 820 and California Common Law)

(Against All Defendants)

45. PLAINTIFF repeats and realleges each and every allegation in paragraphs 1 through 44 of this Complaint with the same force and effect as if fully set forth herein.

46. The actions of DOE OFFICERS and/or CUSTODY SPECIALISTS, and/or CUSTODY ASSISTANTS and DOE SUPERVISORS toward PLAINTIFF were negligent and reckless, including but not limited to:

- (a) the failure to properly and adequately assess the need to detain, arrest, and use force or deadly force against PLAINTIFF;
- (b) the failure to monitor and record any use of force by COUNTY Sheriff's Deputies and employees of Twin Towers Detention Facility, including DOE OFFICERS and/or CUSTODY SPECIALISTS, and/or CUSTODY ASSISTANTS;
- (c) the failure to monitor and record any injuries specifically caused by the use of force by COUNTY Sheriff's Deputies and employees of Twin Towers Detention Facility, including DOE OFFICERS and/or CUSTODY SPECIALISTS, and/or CUSTODY ASSISTANTS;
- (d) the negligent tactics and handling of the situation with PLAINTIFF;
- (e) the negligent detention, arrest, and use of force including deadly force against PLAINTIFF;
- (f) the failure to properly train and supervise employees, both profession and non-professional, including DOE OFFICERS and/or CUSTODY SPECIALISTS, and/or CUSTODY ASSISTANTS;

- 1 (g) the failure to ensure that adequate numbers of employees with
2 appropriate education and training were available to meet the
3 needs of and protect the rights of PLAINTIFF;
4 (h) the failure to provide prompt medical care to PLAINTIFF; and
5 (i) the negligent handling of evidence and witnesses.

6 47. As a direct and proximate result of defendants' conduct as alleged
7 above, and other undiscovered negligent conduct, PLAINTIFF was caused to suffer
8 severe pain and suffering.

9 48. The COUNTY is vicariously liable for the wrongful acts of DOE
10 OFFICERS and/or CUSTODY SPECIALISTS, and/or CUSTODY ASSISTANTS
11 and DOE SUPERVISORS pursuant to section 815.2 of the California Government
12 Code, which provides that a public entity is liable for the injuries caused by its
13 employees within the scope of the employment if the employee's act would subject
14 him or her to liability.

15 49. The conduct DOE OFFICERS and/or CUSTODY SPECIALISTS,
16 and/or CUSTODY ASSISTANTS and DOE SUPERVISORS was malicious,
17 wanton, oppressive, and accomplished with a conscious disregard for the rights of
18 PLAINTIFF, entitling PLAINTIFF to an award of exemplary and punitive damages.

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20 **SIXTH CLAIM FOR RELIEF**

21 **Intentional Infliction of Emotional Distress (Cal. Govt. Code § 820 and**
22 **California Common Law)**

23 (Against Defendants DOE OFFICERS and/or CUSTODY SPECIALISTS, and/or
24 CUSTODY ASSISTANTS and COUNTY)

25 50. PLAINTIFF repeats and realleges each and every allegation in
26 paragraphs 1 through 49 of this Complaint with the same force and effect as if fully
27 set forth herein.
28

1 51. DOE OFFICERS and/or CUSTODY SPECIALISTS, and/or
2 CUSTODY ASSISTANTS, while working as Sheriff's Deputies for the COUNTY
3 Sheriff's Department and employees of Twin Towers Detention Facility, and acting
4 within the course and scope of their duties, engaged in conduct that was outrageous,
5 including but not limited to:

6 (a) Using excessive force against PLAINTIFF, who was not
7 resisting arrest, posed no safety threat, and had not committed
8 any crime;

9 (b) Failing to summon medical assistance for PLAINTIFF; and

10 (c) Ignoring or concealing evidence of the unjustified use of force
11 and taking steps to cover-up the wrongful conduct;

12 52. DOE OFFICERS and/or CUSTODY SPECIALISTS, and/or
13 CUSTODY ASSISTANTS abused a position of authority over PLAINTIFF, and
14 knew that their conduct would likely result in harm due to mental distress.

15 53. DOE OFFICERS and/or CUSTODY SPECIALISTS, and/or
16 CUSTODY ASSISTANTS intended to cause PLAINTIFF severe emotional distress,
17 or acted with reckless disregard of the probability that PLAINTIFF would suffer
18 emotional distress.

19 54. PLAINTIFF suffered severe emotional distress, including suffering,
20 anguish, fright, horror, nervousness, grief, worry, shock, humiliation, and shame.

21 55. The conduct of DOE OFFICERS and/or CUSTODY SPECIALISTS,
22 and/or CUSTODY ASSISTANTS was a substantial factor in causing the severe
23 emotional distress of PLAINTIFF.

24 56. COUNTY is vicariously liable for the wrongful acts of DOE
25 OFFICERS and/or CUSTODY SPECIALISTS, and/or CUSTODY ASSISTANTS
26 pursuant to section 815.2 of the California Government Code, which provides that a
27 public entity is liable for the injuries caused by its employees within the scope of the
28 employment if the employee's act would subject him or her to liability.

1 57. The conduct of DOE OFFICERS and/or CUSTODY SPECIALISTS,
2 and/or CUSTODY ASSISTANTS was malicious, wanton, oppressive, and
3 accomplished with a conscious disregard for the rights of PLAINTIFF, entitling
4 Plaintiff to an award of exemplary and punitive damages.

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6 **PRAYER FOR RELIEF**

7 WHEREFORE, Plaintiff requests entry of judgment in his favor and against
8 Defendants City of Los Angeles and Does 1-10, inclusive, as follows:

- 9 A. For compensatory damages under federal and state law, in an
10 amount to be proven at trial;
11 C. For punitive damages against the individual defendants in an
12 amount to be proven at trial;
13 D. For interest;
14 E. For reasonable costs of this suit and attorneys' fees; and
15 F. For such further other relief as the Court may deem just, proper,
16 and appropriate.

17
18 DATED: April 13, 2010

LAW OFFICES OF DALE K. GALIPO

19
20 By 

21 Dale K. Galipo
22 Attorneys for Plaintiff
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DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury.

DATED: April 13, 2010

LAW OFFICES OF DALE K. GALIPO

By

Dale K. Galipo

Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge Otis D. Wright II and the assigned discovery Magistrate Judge is Ralph Zarefsky.

The case number on all documents filed with the Court should read as follows:

CV10- 2728 ODW (RZx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☒ **Western Division**
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

☐ **Southern Division**
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

☐ **Eastern Division**
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Central District of California

SERGE LAPOINTE, *an individual*

Plaintiff

v.

COUNTY OF LOS ANGELES and DOES 1 through
10, inclusive,

Defendant

Civil Action No.

CV10-02728 *ODW (R2x)*

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* COUNTY OF LOS ANGELES and DOES 1 through 10, inclusive.

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney,

whose name and address are: Law Offices of Dale K. Galipo
Dale K. Galipo, Esq.
21800 Burbank Boulevard - Suite 310
Woodland Hills, CA 91367
Telephone (818) 347-3333 / Facsimile (818) 347-4118
EMail: dalekgalipo@yahoo.com

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: 4/14/2010

AMY GRAGERA

Signature of Clerk or Deputy Clerk

SEAL

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
 on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) SERGE LAPOINTE COUNTY OF LOS ANGELES		DEFENDANTS COUNTY OF LOS ANGELES COUNTY OF LOS ANGELES																									
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) Dale K. Galipo, Esq., Law Offices of Dale K. Galipo, 21800 Burbank Boulevard, Suite 310, Woodland Hills, CA 91367 (818) 347-3333 / dalekgalipo@yahoo.com		Attorneys (If Known) Unknown																									
II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)		III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%"><tr><td></td><td>PTF</td><td>DEF</td><td></td><td>PTF</td><td>DEF</td></tr><tr><td>Citizen of This State</td><td><input checked="" type="checkbox"/> 1</td><td><input type="checkbox"/> 1</td><td>Incorporated or Principal Place of Business in this State</td><td><input type="checkbox"/> 4</td><td><input type="checkbox"/> 4</td></tr><tr><td>Citizen of Another State</td><td><input type="checkbox"/> 2</td><td><input type="checkbox"/> 2</td><td>Incorporated and Principal Place of Business in Another State</td><td><input type="checkbox"/> 5</td><td><input type="checkbox"/> 5</td></tr><tr><td>Citizen or Subject of a Foreign Country</td><td><input type="checkbox"/> 3</td><td><input type="checkbox"/> 3</td><td>Foreign Nation</td><td><input type="checkbox"/> 6</td><td><input type="checkbox"/> 6</td></tr></table>			PTF	DEF		PTF	DEF	Citizen of This State	<input checked="" type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																						
IV. ORIGIN (Place an X in one box only.) <input checked="" type="checkbox"/> 1 Original Proceeding <input type="checkbox"/> 2 Removed from State Court <input type="checkbox"/> 3 Remanded from Appellate Court <input type="checkbox"/> 4 Reinstated or Reopened <input type="checkbox"/> 5 Transferred from another district (specify): <input type="checkbox"/> 6 Multi-District Litigation <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge																											
V. REQUESTED IN COMPLAINT: JURY DEMAND: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (Check 'Yes' only if demanded in complaint.) CLASS ACTION under F.R.C.P. 23: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No MONEY DEMANDED IN COMPLAINT: \$ According to Proof																											
VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.) (1) 42 U.S.C. § 1983 Excessive Force and Denial of Medical Care; (2) 42 U.S.C. § 1983 Equal Protection; (3) 42 U.S.C. § 1983 Municipal Liability; (4) Battery; (5) Negligence																											
VII. NATURE OF SUIT (Place an X in one box only.) (6) Intentional Infliction of Emotional Distress																											
OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	TORTS PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input checked="" type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General Habeas Corpus <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FORFEITURE/PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609																						

FOR OFFICE USE ONLY: Case Number:

CV10-02728

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

VIII(a). **IDENTICAL CASES:** Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes

If yes, list case number(s): _____

VIII(b). **RELATED CASES:** Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes

If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. **VENUE:** (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.

☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Plaintiff - County of Los Angeles	

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.

☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Defendant - County of Los Angeles	

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.

Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
County of Los Angeles	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved.

X. **SIGNATURE OF ATTORNEY (OR PRO PER):** _____

Date 04/14/2010

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))